

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


-----X		
UNITED STATES OF AMERICA	:	S 07 Cr. 913 (KMK)
	:	
- against -	:	
	:	
PHILIP ETKIN,	:	
	:	
Defendant.	:	
	:	
-----X		

AFFIRMATION OF KERRY A. LAWRENCE, ESQ.

KERRY A. LAWRENCE, ESQ., an attorney admitted to practice before this Court, affirms under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I represent the defendant, PHILIP ETKIN, in the above-captioned case.
2. While any decision as to whether a defendant elects to testify at a criminal trial has to await the conclusion of the presentation of the government's case in chief, it is most likely that the defendant would elect to testify in defense of the charges in Count One but elect not to testify in defense of the charges in Count Two.
3. Because any further elaboration of the reasons why the defendant is inclined to testify in defense of Count One but not Count Two would disclose trial strategy, and based on the position the government has taken in connection with other issues that have arisen in this case regarding claims of waiver of privilege, the defendant would ask that any further elaboration on this issue be made *ex parte* and not be made part of the public record in this case.

Affirmed this 18th day of April, 2008:



Kerry A. Lawrence, Esq.